

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 5, 1999

ALL-COUNTY INFORMATION NOTICE NO. I-27-99

TO: ALL COUNTY WELFARE DIRECTORS

**REASON FOR THIS TRANSMITTAL**

- ☒ State Law Changes
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: SENATE BILL 1901 (CHAPTER 1055, STATUTES OF 1998)

Senate Bill (SB) 1901 requires the California Department of Social Services (CDSS) to establish the Kinship Guardianship Assistance Payment (Kin-GAP) program to serve dependent children whose dependencies are dismissed when their relative caregivers assume legal guardianship of them. It has come to the CDSS' attention that counties have questions about the effective date of the Kin-GAP program. This letter serves to provide the basic requirements of SB 1901 and an update on the status of CDSS' implementation of the program.

The operative date of the Kin-GAP program is July 1, 1999. Therefore, any child for whom a relative guardianship is established and whose dependency is dismissed before July 1, 1999, will not eligible to receive a Kin-GAP payment. However, a child currently with a relative guardian where dependency has been maintained, will be eligible for a Kin-GAP payment if the dependency is dismissed on or after July 1, 1999.

The basic requirements of SB 1901 are as follows:

- When a dependent child has been in placement with a relative at least 12 months and the relative is appointed the child's legal guardian, the court shall terminate the dependency unless it makes a finding of exceptional circumstances. The child is then eligible for a Kin-GAP payment and will remain eligible to receive Medi-Cal benefits.
- The proposed relative guardian must be assessed according to the relative foster care placement criteria in Welfare and Institutions Code 361.3 if the relative was assessed for foster care placement before January 1, 1999. AB 1544, Chapter 793, Statutes of 1998, established the criteria for assessing relative caregivers and required the CDSS to issue guidelines to assist counties in meeting this criteria. This criteria includes willingness and ability to provide permanency. On March 1, 1999, these guidelines were made available to

- counties with an All County Information Notice No. I-18-99 and were made available on the Internet at [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov).
- In cases where the guardian petitions to terminate the guardianship, the court must, prior to the hearing on the petition, order the county welfare department to evaluate whether the guardianship can be preserved with the provision of services and identify recommended services if appropriate.

SB 1901 did not establish the Kin-GAP rate, but instead directed CDSS to collaborate with specific stakeholders, including counties, to develop the rate. An advisory committee composed of state staff, County Welfare Directors Association representatives, California State Association of Counties representatives, relative caregivers, and the California Partnership for Children have been meeting over the last few months to recommend a rate to the Administration and to the Legislature. The committee has also been considering eligibility and implementation issues that CDSS is addressing.

The CDSS will notify counties when a Kin-GAP payment system is in place. Counties are advised to consider whether or not the payment is available before making recommendations to the court regarding guardianship in order to ensure that the needs of the child will be met. If the payment system is not in place on July 1, 1999, and a child is exited to Kin-GAP, the child will receive no financial assistance until the payment mechanisms are in place. However, if a dependency is dismissed pursuant to a relative guardianship before the payment system is in place, the payments will be made retroactively to the date that the child became eligible to receive the Kin-GAP payment.

The CDSS will continue to provide instructions on the Kin-GAP program as it develops. If you have any questions about the Kin-GAP program, please call Shantel Hill at (916) 445-2886 or e-mail her at [shill@dss.ca.gov](mailto:shill@dss.ca.gov).

Sincerely,

***Original Signed by Marjorie Kelly  
On April 5, 1999***

MARJORIE KELLY  
Deputy Director  
Children and Family Services Division